

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED
DEC 04 2006
IDWR/North

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Johnson Meadows Estates Water Assn. Inc. Application for Permit #95-9362

2. Name of protestant *Bev & Norb Twillmann *spokesperson

3. Protestant's Representative for service (If different than protestant)
N/A

4. Service mailing address 15143 South Asbury Road, Harrison, Idaho 83833

5. Service telephone no. 208/689-3861

6. Basis of protest (including statement of facts and law upon which the protest is based)

Please see attached sheets.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Please see attached sheet

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4th day of December, 2006.

Bev Twillmann
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
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FOR DEPARTMENT USE ONLY

Received by  Date 12/4/06 Time 3:09 p
\$25.00 fee Received by  # N018046 Date 12/4/06

From:

Bev Twillmann
15143 South Asbury Road
Harrison, Idaho 83833

December 3, 2006

To:

Idaho Department of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, Idaho 83815

Protesting Johnson Meadows Estates Water Association Inc. Application for Permit #95-9362 that seeks 0.11 CFS or 71,095 gallons per day for municipal purposes. This protest is based on the criteria set forth in Sec. 42-203A, Idaho Code.

The basis for this protest are:

- Since our property adjoins the property applying for this water request, we are concerned that the output from our two existing wells will be negatively impacted by the draw this amount will create from the existing ground water.
- The amount of water being requested is exorbitant and contrary to the conservation of water resources as is mandated by Idaho law; it will critically impact the available ground water supply to the surrounding community. With the number of proposed homes (20) for this 28-acre site, much of the site having excessive sloping with little landscaping anticipated, there is no justification for requesting this excessive amount of ground water.
- There are serious community concerns that the amount of water requested will drain from the available surface water and increase the risk to the spreading of wildfires, as the last several summers have already shown extreme drought conditions in this hilly area. This puts at risk neighborhood residents as well as nearby National Forest lands.
- We are dependent on our wells for water consumption and are concerned that the water rights for our private residential use, our main well of which is not on record, will be superseded by the water rights this development has applied for.
- If there is a negative impact on my wells or on the watershed and/or the lake, that impact may not be evident until after all the lots in the proposed development have been sold, built on, and inhabited. And, the lag time between highly burdensome periods (e.g. a year of low rainfall, high temperatures, and high water use) and the impact of that burdensome period on the water table, may be such that the responsible party – the developer who is selling the lots – will no longer be within reach for remediation.

- Water availability is a must for full time living. It not only sustains our lives, but gives value to our properties. The rural area of the proposed development (Johnson Meadows Estates) is remote and we have no other water options available other than wells or drawing water from the Lake Coeur d'Alene (which is already being done in excess to the detriment of this lake). Since there is no municipal water supply for many of us in rural communities to hook into, it would not be feasible and would be cost prohibitive for individuals to develop other means of supplying water to our homes should our own resources be impacted by this development.
- This applicant has offered in writing no proposal or plan to mitigate the impacts of its proposed water withdrawals on surrounding land, the seasonal stream on this land or its' affect on wildlife.
- This applicant has not submitted to the DEQ an engineering report for the proposed drinking water system for the subdivision needs to establish that this subdivision can be successfully developed with a community water system.
- Should this request go through, there is no guarantee the persons buying into said subdivision will conserve on water usage knowing they have huge amounts allocated for their use.
- Should such excessive water requests be allowed by Johnson Meadows Estates Water Association Inc. I fear this will set a precedent for others in the area hoping to develop their lands to capacity, and the water just will not be there in these amounts to service all of us.

How am I looking to resolve this protest of the Application for Permit #95-9362:

- I am requesting that the application be denied until the issues raised in this protest are resolved and the harms and impacts listed above are mitigated.
- I am requesting that a protest hearing be scheduled.
- I am requesting that my protest, filed within the stated deadline period, give me the right to raise additional issues in this case when more facts become available, which would then become part of the record of my protest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THE 4TH DAY OF December, 2006, I served a true and correct copy of the within and foregoing document upon the party named below by depositing a copy of the same in the United States mail, postage pre-paid, at the post office in Coeur d'Alene, Idaho and have a certificate of mailing as proof.

**Johnson Meadows Estates Water Association Inc.
12875 S. Flicker Lane
Harrison, Idaho 83833**

A handwritten signature in cursive script, reading "Bev Twillmann", is written over a horizontal line.

**Bev Twillmann
15143 South Asbury Road
Harrison, Idaho 83833**